

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-10387-RGS
	)	
WILLIE DANCY	)	
	)	

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE  
USE OF THE TERMS "FELON" OR "FELONY"

Defendant, in the above entitled case, respectfully moves that the prosecutor and government witnesses be precluded from using the term "felon" during the course of this trial. The statute with which the defendant is charged makes no reference to the term "felon." 18 U.S.C. § 922(g). Instead, the statute speaks in terms of any person "who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year". 18 U.S.C. § 922(g). The statute requires no finding that the defendant is "a felon" per se, only that he has been convicted in of a crime punishable by imprisonment for more than one year. Id. The term "felon" is highly prejudicial and because it is not probative of any issue in the case it should be excluded pursuant to Fed. R. Evid. 403.

In addition, defendant will stipulate that prior to December 8, 2004, he had been convicted in a court of a crime punishable by a prison term of more than one year.

WILLIE DANCY

By his attorney,

/s/Oscar Cruz, Jr.

Oscar Cruz, Jr.

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CERTIFICATE OF SERVICE

\_\_\_\_\_, I, Oscar Cruz, Jr., hereby certify that this document filed through the ECF system will be sent electronically to the registered participant, Assistant United States Attorney Antoinette Leoney, as identified on the Notice of Electronic Filing (NEF) on January 28, 2008.

/s/Oscar Cruz, Jr.

Oscar Cruz, Jr.